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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,879

11/16/2001

Yoshifumi Iwata

216153US3

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22850

7590

01/14/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

MCCAMEY, ANN M

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/987,879	IWATA, YOSHIFUMI	
	Examiner	Art Unit	
	Ann M McCamey	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Baba et al. (US 6,085,598).

Regarding claim 1, Baba et al. disclose a mounting structure 1 for a vehicle electrical connection box, comprising:

a protruding member 11 provided to a box body of the electrical connection box and positioned to receive an impact from a first direction E; and

at least one breakable mounting member 21 mounting the box body to a part of a vehicle, the at least one breakable mounting member positioned to break due to a stress generated by the impact received by the protruding member,

wherein the protruding member is positioned such that the box body receives the impact off the center of rotation of the box body, the protruding member extends along the first direction, and the at least one breakable mounting member extends substantially along an imaginary plane parallel to the first direction.

Regarding claim 2, Baba et al. disclose amounting structure 1 for a vehicle electrical connection box arranged rearward of and in the vicinity of a dash panel

serving as a partition between an engine space in a vehicle and an adjacent compartment, comprising:

a protruding member 11 extending from a box body of the electrical connection box toward the dash panel and positioned to receive an impact from a first direction E; and

at least one breakable planar mounting member 21 mounting the box body to a cowl side panel of the vehicle, extending in a direction intersecting the first direction, and positioned to break due to a stress generated by the impact received by the at least one breakable planar mounting member,

wherein the dash panel is provided substantially perpendicular to the cowl side panel, and the at least one breakable planar mounting member has a principal plane substantially parallel to a direction which the protruding member is extending.

Regarding claim 3, Baba et al. disclose a mounting structure (Fig. 10) for a vehicle electrical connection box having a box body comprising at least two breakable planar mounting members 322 mounting the box body to a part of a vehicle, extending substantially along a first plane and diagonally positioned to break after the box body receives an impact in a direction substantially parallel to the first plane.

Regarding claim 4, Baba et al. disclose the protruding member is positioned such that the box body receives the impact off the center of rotation of the box body.

Regarding claim 5, Baba et al. disclose the protruding member is provided with at least one reinforcing rib extending along a direction in which the impact is transmitted.

Regarding claim 6, Baba et al. disclose at least a portion of the at least one breakable planar mounting member extends in a direction intersecting with a direction in which the impact is transmitted.

Regarding claim 8, Baba et al. disclose the breakable planar mounting members have principal planes substantially parallel to the first plane.

Regarding claim 9, Baba et al. disclose the protruding member is provided with at least one reinforcing rib extending along the first direction.

Regarding claim 10, Baba et al. disclose at least a portion of the at least one breakable mounting member extends in a direction intersecting with the first direction.

Regarding claims 1-6 and 8-10, the limitation that the mounting structure is "for an electrical connection box" has not been given patentable weight, since it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Response to Arguments

Applicant's arguments filed 10/14/03 have been fully considered but they are not persuasive.

Applicant contends that Baba et al. ("Baba") fails to anticipate claim 1 because Baba does not teach a protruding member "positioned such that the box body receives the impact off the center of rotation of the box body." The asymmetrical nature of the

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body of Baba implies that the protruding member be off the center of rotation of the body, meeting this limitation.

Applicant contends that Baba fails to anticipate claim 2 because the mounting member of Baba is not formed as a planar member. "Planar" is sufficiently broad, and not explicitly defined in the specification to preclude the mounting member of Baba to be interpreted as "a planar member."

Applicant contends that Baba fails to anticipate claim 3 because the two breakable planar mounting members are not "diagonally positioned." "Diagonally positioned" is relative and the existence of two members implies that they are diagonally positioned relative to a line between the two members, meeting the limitation. Without recitation of a reference point, the limitation is sufficiently broad to be met by Baba.

For the reasons above, the rejections have been maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann M McCamey whose telephone number is (703) 305-3422. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AMM
January 8, 2004



RENEE LUEBKE
PRIMARY EXAMINER